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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 1006 of 2007

Date of decision: 28.8.2007

Sodhi **...Petitioner**

Versus

Puran Singh **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sudhir Pruthi, Advocate for the petitioner.

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RAJESH BINDAL, J.

Challenge in the present petition, filed under Article 227 of the Constitution of India, is to the order dated December 13, 2006, passed by the Additional District Judge, Jalandhar whereby appeal filed by the petitioner against the interim order dated October 8, 2005, granting status quo regarding possession by the trial Court, was dismissed.

The dispute arises out of a suit filed by the respondent-plaintiff for permanent injunction restraining the petitioner-defendant from making holes, drilling damaging in any manner, raising any kind of construction like concrete roof, shelves, beams and putting any kind of building material in or on the western wall of his property, which according to him had been purchased by him vide agreement to sell dated October 30, 2004. Still it was claimed in the suit that possession of the property was delivered to him in terms of the agreement to sell. The wall in dispute was not in joint ownership with any other person.

The suit was contested by the present petitioner-defendant raising the plea that infact the wall in dispute falls in the area purchased by the petitioner-defendant vide registered sale deed dated July 2, 2004 and the lintels of two rooms of the property of the petitioner rest upon the said wall.

Having heard learned counsel for the parties, trial court order

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granting status quo with regard to the property in question, was confirmed by the Lower Appellate Court.

As is narrated above, the issue as to whether the wall in dispute is common wall or is exclusively owned by either of them, the same can be finally adjudicated upon only when the parties lead their respective evidence and keeping in view this fact, in my opinion, both the Courts below have rightly ordered the parties to maintain status quo.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

August 28, 2007 **(Rajesh Bindal)**
Pka **Judge**